

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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|-------------------------------|---|------------------------|
| DAVID E. DEWALD II, | : | |
| Petitioner, | : | 1:20-cv-0023 |
| | : | |
| v. | : | Hon. John E. Jones III |
| | : | |
| DAVID VARANO, <i>et al.</i> , | : | |
| Respondents. | : | |

ORDER

January 21, 2020

NOW THEREFORE, upon consideration of the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 1), and in accordance with the Court's Memorandum of the same date, it is hereby ORDERED that:

1. The petition for writ of habeas corpus (Doc. 1) is DEEMED filed and DISMISSED without prejudice. *See* R. GOVERNING §2254 CASES R. 4.
2. The Clerk or Court is directed to NOTIFY the Petitioner and CLOSE this case.
3. There is no basis for the issuance of a certificate of appealability. *See* 28 U.S.C. §2253(c).
4. The dismissal is without prejudice to Petitioner's right to pursue his civil rights claims in a properly filed civil rights complaint.

s/ John E. Jones III
John E. Jones III
United States District Judge